



NATIONAL SECURITY AGENCY
FORT GEORGE G. MEADE, MARYLAND 20755-6000

FOIA Case: 106192
19 February 2019

EMMA BEST
MUCKROCK
411A HIGHLAND AVE
DEPT MR 67732
SOMERVILLE MA 02144-2516

Dear Ms. Best:

This is an initial response to your Freedom of Information Act (FOIA) request of 23 January 2019, which was received by the National Security Agency (NSA) FOIA office on 24 January 2019, for "Copies of lists of different journals/blogs on JournalNSA, as well as lists of posts/entries to each JournalNSA." Your request has been assigned Case Number 106192. This letter indicates that we have begun to process your request. There is certain information relating to this processing about which the FOIA and applicable Department of Defense (DoD) and NSA regulations require we inform you. For purposes of this request and based on the information you provided in your letter, your request falls into the "media requester" category and as such there are no search and review fees for this request. However after completing an initial search for records responsive to your request, it has been determined that there would be significant fees for the duplication of well over 5,000 pages. We estimate \$1,295.00 in duplication costs, which would include the cost of a CD. Your request for a fee waiver is denied. Given the denial of a fee waiver, you may choose to narrow the scope of the request, for example, to only a list of the blogs; or pay half the fee now and the remainder upon completion as explained in the 5th paragraph of this letter.

As noted above, your request for a fee waiver has been reviewed, and denied. There is a two-pronged test a requester must satisfy to qualify for a fee waiver. First, the requested information must be in the public interest. Second, the request must not be primarily in the requester's commercial interest. The following six factors further define the two-pronged waiver test, and a requester must meet all of the first four factors to qualify under the public interest prong:

1. The subject of the request must concern the "operations and activities of the government."
2. The disclosure of information is "likely to contribute to an understanding of government operations and activities."
3. The disclosure of the requested information will "contribute to public understanding."

4. The disclosure is likely to contribute "significantly" to public understanding of government operations and activities.
5. The requester has a commercial interest that would be furthered by the requested disclosure.
6. Whether any identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, thereby rendering the disclosure "primarily in the commercial interest of the requester."

In analyzing these four criteria, I have determined that you do not meet **one** of the factors required to meet the public interest prong. Since you have not provided evidence to sufficiently meet the standards of factor **4** of the public interest prong, you do not qualify for a fee waiver. More specifically:

4. The information would not likely contribute significantly to public understanding. The records must be sought for their informative value with respect to specifically identified government operations and activities. A request for access to records for their intrinsic informational content alone does not satisfy the threshold consideration. Thus, the fourth requirement for a fee waiver is not met.

If you would like us to proceed with the processing of your request, we request that you remit to the FOIA office (see below for address) a check or money order made payable to the Treasurer of the United States in U.S. funds in the amount of \$647.50. This amount represents one-half of the total estimate. Since this is only an estimate, our procedure is to request half of the estimated search costs up front, allowing us to charge any remaining difference upon completion of the entire request. Please include the number assigned to your case on any correspondence to ensure that your account is properly credited. If we do not hear from you within 30 days of the date of this letter, we will assume that you are no longer interested in pursuing this request, and we will close your case with no further processing.

Please be advised that your agreeing to incur these fees will not necessarily result in the disclosure to you of all the information you seek. Any records which are found to be responsive to your request would require a detailed review to determine their releasability. It is likely that some of the material may be exempt from release in accordance with the FOIA exemptions.

You may appeal this decision. If you decide to appeal, you should do so in the manner outlined below. NSA will endeavor to respond within 20 working days of receiving any appeal, absent any unusual circumstances.

- The appeal must be sent via U.S. postal mail, fax or electronic delivery (e-mail) and addressed to:

NSA FOIA/PA Appeal Authority (P132)
National Security Agency

9800 Savage Road STE 6932
Fort George G. Meade, MD 20755-6932

The facsimile number is 443-479-3612.

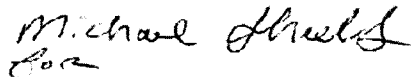
The appropriate email address to submit an appeal is FOIARSC@nsa.gov.

- It must be postmarked or delivered electronically no later than 90 calendar days from the date of this letter. Decisions appealed after 90 days will not be addressed.
- Please include the case number provided above.
- Please describe with sufficient detail why you believe the denial of requested information was unwarranted.

You may also contact our FOIA Public Liaison at foialo@nsa.gov for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Rd- OGIS
College Park, MD 20740
ogis@nara.gov
877-684-6448
(Fax) 202-741-5769

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael Shields".

JOHN R. CHAPMAN
Chief, FOIA/PA Office
NSA Initial Denial Authority